

The Response Date to the Motion for Summary Judgment

4. Four days earlier, on January 23, 2023, the last day for dispositive motions under the Docket Control Order [Doc. 21], the Plaintiff filed its Motion for Summary Judgment. Doc. 28.
5. The response date is February 13, 2023. The Defendants seek an extension of that deadline to February 27, 2023 so that an Answer can be filed first.

Amendment to the Scheduling Order

6. The expired deadlines in the Scheduling / Docket Control Order [Doc. 12] deny the Defendants the opportunity to conduct discovery or file their own dispositive motion. The clerk has said that a July 31, 2023, trial setting is available.
7. That date or a later one is acceptable to Defendants.
8. The Defendants seek a reset of the deadlines in the Scheduling / Docket Control Order as follows:

Add New Parties, Amend Pleadings	5/1/2023
Plaintiff's Expert Witnesses	2/20/2023
Defendants' Expert Witnesses	3/20/2023
Discovery completion	4/17/2023
Dispositive and Non-Dispositive motions	5/1/2023

Joint Pretrial Order and Motions in Limine 7/24/2023

Trial will begin at 9:00 A.M. 7/31/2023

The Plaintiff is Opposed

9. When asked about an extension for the Motion for Summary Judgment response on January 27, 2023, before the hearing, Plaintiff's counsel wrote "We would normally agree to an extension but the scheduling order in this case does not give us much time before trial to allow for extensions."
10. Asked again after the hearing, when told there would be a request to amend the scheduling deadlines and reset the trial to the available July 31, 2023, date, the opposition did not change. "We are opposed. You may not file this motion as agreed."

PRAYER

Mr. and Mrs. Myers pray that the response deadline for the Plaintiff's Motion for Summary Judgment be reset to Monday, February 27, 2023 and the deadlines in the Scheduling Order be reset to reflect a trial date of July 31, 2023, or such later date on which the parties can agree, and that they be granted any other relief to which they are entitled, at law or in equity.

Respectfully submitted,

/s/ Ira D. Joffe

Ira D. Joffe
State Bar No. 10669900
Attorney for Defendants
6750 West Loop South
Suite 920
Bellaire, TX 77401
(713) 661-9898
(888) 335-1060 Fax
ira.joffe@gmail.com